

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:24-cv-00085-GCM-WCM

TONYA RATLIFF,

Plaintiff,

v.

COMMISSIONER OF THE SOCIAL
SECURITY ADMINISTRATION,

Defendant.

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ORDER

This matter is before the Court on Plaintiff's Consent Motion for Attorney Fees Under the Equal Access to Justice Act (the "Motion," Doc. 10).

The Motion indicates that Plaintiff seeks \$2,790.00 in fees plus \$405.00 in costs, representing "a compromised settlement between the Parties in reference to Plaintiff's request for attorney fees under the EAJA...." Doc. 10 at 1.

The parties' effort to reach an agreement regarding a stipulated award is noted. However, Plaintiff's counsel has not submitted a summary of time spent on this case or other supporting documents that reveal the hours of attorney work that have been expended. This information is needed for the Court to determine whether it agrees that the stipulated sum is reasonable. See Stephens ex rel. R.E. v. Astrue, 565 F.3d 131, 135 (4th Cir. 2009) ("Before

awarding attorney's fees, the EAJA requires the 'party seeking an award of fees' to 'submit to the court an application,' which must include 'an itemized statement from any attorney ... stating the actual time expended and the rate at which fees and other expenses were computed.'" (quoting 28 U.S.C. § 2412(d)(1)(B)); Biddy v. Kijakazi, No. 3:21-cv-00533-MR, 2023 WL 4462057 at *2 (W.D.N.C. July 11, 2023) ("The fee applicant bears the burden of demonstrating that the number of hours charged is reasonable.").

IT IS THEREFORE ORDERED THAT Plaintiff's Consent Motion for Attorney Fees Under the Equal Access to Justice Act (Doc. 10), is **DENIED WITHOUT PREJUDICE**.

Signed: October 30, 2024



W. Carleton Metcalf
United States Magistrate Judge

